



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

**Council Chambers – 3300 Newport Blvd.
Wednesday, February 13, 2013 – 6:00 PM**

Harbor Commission Members:

**Doug West, Chair
Karen Rhyne
Ralph Rodheim**

**Brad Avery
Paul Blank**

**Duncan McIntosh
David Girling**

Staff Members:

**Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor**

Council Liaison:

Nancy Gardner

- 1) CALL MEETING TO ORDER**
- 2) ROLL CALL**
- 3) PLEDGE OF ALLEGIANCE**
- 4) PUBLIC COMMENTS**

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Commission has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

- 5) APPROVAL OF MINUTES from January 9, 2013**
- 6) CURRENT BUSINESS**

1. 2222 Channel Road

The applicant at 2222 Channel Road proposes installation of dock system outside of the setbacks as defined by the Newport Beach Municipal Code.

Recommendation:

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3005 or cityclerk@newportbeachca.gov.

1. The Harbor Commission approves the proposal to install the dock system outside of the 5 foot setbacks; or
2. The Harbor Commission denies the proposal to install the dock system outside of the 5 foot setbacks.

2. *Stand Up Paddle Boarding in Newport Harbor*

Commissioner Blank will report on his research on stand up paddle boarding in Newport Harbor.

Recommendation:

1. The Harbor Commission does not recommend additional restrictions related to stand up paddle boarding in Newport Harbor; and
2. The Harbor Commission recommends, with the help of community volunteers and professionals, conducting a public event in the near future on the subject of water and stand up paddle board safety in Newport Harbor.

7) SUBCOMMITTEE REPORTS

8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES

9) HARBOR RESOURCES UPDATE – Receive and File

10) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR HARBOR RESOURCES UPDATE

11) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

12) DATE AND TIME FOR NEXT MEETING:

Wednesday, March 13, 2013

13) ADJOURNMENT

NEWPORT BEACH HARBOR COMMISSION STUDY SESSION MEETING MINUTES
City Council Chambers
Wednesday, January 9, 2013
4:00 p.m.

1) CALL MEETING TO ORDER

The meeting was called to order at 4:00 p.m.

2) ROLL CALL

Commissioners: Doug West, Chair
Brad Avery
Paul Blank
David Girling
Duncan McIntosh

Absent (Excused): Ralph Rodheim
Karen Rhyne

Staff Members: Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor

Council Liaison: Council Member Nancy Gardner

3) PUBLIC COMMENTS - None

4) CURRENT BUSINESS

A. Regional General Permit (RGP-54) – A Complete Review

The Commission's Dredging Subcommittee will provide a complete review of the current RGP-54 and will also discuss options for a new permit in 2014.

Chair West referenced objectives set by the Commission noting that the first is to investigate potential solutions to two outstanding obstacles to maintenance dredging to private docks in areas that are outside the scope of the U.S. Army Corp of Engineers projects. He reported that the primary obstacles are the difficult permitting process and a diminished scale of active operators in the Harbor. After review and consideration, the Commission will make its recommendations to Council. He reported that the Commission has been engaged in significant work in conjunction with the Harbor Resources Division over the last couple of months and plans are to go before Council at a study session on January 22, 2013, with findings and recommendations for a new framework for a lower-bay, near-shore lower dredging permit process to replace the current RGP-54 permit which will expire at the end of March 2014. He noted that time is of the essence in getting a better permit process in place.

Chair West addressed the members of the Dredging Subcommittee and introduced an outline and actions for the Commission's review at this time. He noted that an essential element must be a better approach to eelgrass preservation management and reported that a review of the proposed eelgrass protection and mitigation plan developed by the Harbor Resources Division with the assistance of Dr. Michael Josselyn will be presented at this time.

Chair West defined the RGP-54 noting that it serves as a blanket permit for most of the City's dredging activities in the harbor. He reported that for those projects outside the RGP-54, dock owners are required to seek individual permits, issued separately. He presented examples of the need for individual permits and a brief history of the RGP-54. He noted that a blanket dredging permit was subject to the oversight and

approval of other State and Federal agencies and that it had become increasingly encumbered by the oversight of other agencies such as the California Coastal Commission.

Chair West addressed the key provisions of the current RGP-54 process and noted that an important restriction is the prohibition of any repair or replacement of existing docks, bulkheads and pilings. Another limitation is the necessity of administrative review and approval of each and every project covered by RGP, no matter how small. The most restrictive limitation is the complete ban on any eelgrass impact and Chair West stated that the Newport Harbor RGP incorporates the provisions of the Southern California Eelgrass Mitigation Policy and prohibits dredging in any area found to be within fifteen feet of existing eelgrass and addressed additional requirements for areas beyond the fifteen-foot area. He deferred to Harbor Resources Manager Chris Miller and Dr. Michael Josselyn for additional information noting that the proposed plan would improve the availability of dredging permits under a new RGP-54 while ensuring the protection of the eelgrass population in the harbor and allow for greater flexibility.

It was noted that the eelgrass limitations are a provision of the Southern California Eelgrass Mitigation Policy.

Mr. Miller reported that the current RGP-54 expired in November, 2011 and that staff's solution was to find an interim permit to take advantage of the City's sediment testing. He reported that the application for the interim permit will be posted on the City's website in a few days and that the current interim permit expires in March or April of 2014. Mr. Miller added that planning for the next 5-year permit must begin as soon as possible and stressed the importance of focusing on the matter.

It was noted that most of the harbor is included in the current RGP-54 but others are not included because of mercury found in sediment testing.

Discussion followed regarding other areas in the harbor not included in the current RGP-54.

Mr. Miller addressed other areas of the harbor that are not included in the current RGP-54. He highlighted the major provisions of the current RGP, limitations, public outreach and options considered; one where the City performs the sediment testing and the other where the resident would be responsible for the sediment testing.

Discussion followed regarding positive responses received in regard to the proposed plan and the possibility of adding a maintenance portion within the permit. Ensuing discussion pertained to the complexity of the application and the possibility of covering multiple houses on one permit.

Harbor Resources Supervisor Shannon Levin reported that the City uses RGP-54 when doing maintenance dredging on Balboa Island, every year; noting that multiple beaches are covered per project location rather than per house.

Mr. Miller will clarify the language prior to presenting it to Council and acknowledge the attendance of various dredging professionals in the audience.

Discussion followed regarding the possibility of linking the fees to the amount of cubic yards to be dredged, rather than to a single permit to facilitate shared use of the permit.

Mr. Miller noted that the fee covers staff time.

Ensuing discussion pertained to the average take from a pier or dock. It was noted that RGP-54 needs to be improved by including commercial clients which can be done when the yardage amount is expanded. The cost benefits of "piggy-backing" with other projects were discussed as well.

Discussion continued regarding the need to simplify the permit process, challenges with dealing with the various agencies and the importance of providing public education.

It was noted that the opportunity for change is now, since many of the agencies are looking to reduce their burdens.

Mr. Miller presented details of the current RGP-54 provisions compared with the proposed 2014 RGP-54 provisions including annual maximum volume, individual project volume limits, maximum dredge depth, sediment testing, eelgrass, structures, application review, shading, water quality monitoring, applicable users, disposal, State Land Commission dredging lease and fee structure.

Discussion followed regarding seeking ways to reduce costs and processing times, the availability of historical data and the exclusion of bulkhead replacement within the eelgrass plan.

It was noted that bulkheads are always replaced like-for-like.

Discussion followed regarding areas within the existing RGP-54 that are within County Tidelands and the County's role in the permit process.

Mr. Miller reported that the County provides permission for the City to apply for permits.

Mr. Miller addressed next steps including a request to Council for a budget amendment. He presented details of a proposed timeline and listed budget considerations, including pros and cons, and costs.

Discussion followed regarding the possibility of refining some of the alternatives proposed before presenting the plan to Council at the upcoming study session.

Chair West reported that the 2014 Proposed RGP-54 will be formally presented to the Commission for action. He asked the Commission and the public for suggestions and/or questions regarding the proposed plan.

Discussion followed regarding clarification of structures within the proposed RGP-54 plan and the need to meet California Building Code or ADA standards. It was noted that the prohibition for "like-for-like" does not make sense in the real world and that there are challenges related to negotiating with the Corps of Engineers for greater flexibility.

Mr. Miller reported that staff will fine-tune the items to be negotiated.

Discussion followed regarding providing additional details under the fee structure and the possibility of establishing different fee structures for residential and commercial dock permits.

Chair West agreed with the need to recover some of the expenses that the City is experiencing in the process.

A member of the public noted that commercial clients will not complain about reasonable permit fees because current individual permits are more costly and take a long time to obtain.

Discussion followed regarding individual project volume limits, eelgrass replacement, the ability to make dock changes and potential changes proposed between the current RGP and the proposed RGP.

Mr. Miller reported that it is not practical for commercial uses to use the current RGP process under 1,000 cubic yards.

Ensuing discussion pertained to the fifteen-foot clearance issue for eelgrass becoming an unachievable standard within the real world and challenges with coordinating between the various agencies. It was noted that the Coastal Commissioner favors facilitating coastal access and that the proposed plan is the City's optimized negotiation framework.

5) ADJOURNMENT

There being no further business to come before the Harbor Commission, the Study Session was adjourned at 5:28 p.m.

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers
Wednesday, January 9, 2013
6:00 p.m.

1) CALL MEETING TO ORDER

The meeting was called to order at 6:00 p.m.

2) ROLL CALL

Commissioners: Doug West, Chair
Brad Avery
Paul Blank (arrived late)
David Girling
Duncan McIntosh
Ralph Rodheim

Absent (Excused): Karen Rhyne

Staff Members: Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor

Council Liaison: Mayor Nancy Gardner

3) PLEDGE OF ALLEGIANCE – Commissioner Rodheim

4) PUBLIC COMMENTS

Chair West invited those interested in addressing the Commission on agenda or non-agenda items to do so at this time.

Jim Mosher reported on recent Council actions regarding restricting public comments to three minutes instead of five minutes. He stated that Coastal Commission limitations were cited as an example and felt that neither Council nor the Harbor Commission has the large number of public comments usually heard by the Coastal Commission so that the comparison was irrelevant. He opined that there would be no problem in requiring a five-minute limit for public comments.

There being no others wishing to address the Commission, Chair West closed the Public Comments portion of the meeting.

5) APPROVAL OF MINUTES from November 14, 2012

Motion: Commissioner Blank made a motion to approve the minutes of the Harbor Commission regular meeting of November 14, 2012, as submitted. Commissioner Rodheim seconded the motion, which carried with 6 ayes and 1 absent (Rhyne). Approved.

6) CURRENT BUSINESS

1. Eelgrass in Newport Harbor

Mike Josselyn Ph.D., WRA Environmental Consultants, will give a presentation on eelgrass in Newport Harbor. In addition, the City's proposed Newport specific plan for managing eelgrass will be discussed.

Chair West introduced the item and deferred to Dr. Michael Josselyn for a presentation.

Mr. Miller added that Dr. Josselyn has worked with the City; Harbor Resources and the City Attorney's office for several years and has been instrumental as the biologist who has been the backbone of the plan development. He addressed the importance of presenting the proposed draft document noting that the City is at the cusp of finishing its negotiations with several agencies and gearing up for a meeting at the end of January for a more-clear direction on the matter. He expressed his appreciation to Dr. Josselyn for his work.

Dr. Josselyn reported on his background and research and his experience working with WRA Professional Consultants. He presented information regarding eelgrass noting that it is very sensitive to light availability and initiates its growth during the spring. He reported that it is widely found throughout the State of California and addressed its light requirements and noted that there are deep and shallow water forms of eelgrass. Dr. Josselyn noted that eelgrass is protected by the National Marine Fishery Service as an essential fish habitat, stabilizes bottom sediments and is a unique and limited habitat type in California coastal areas.

He presented a map of areas where eelgrass exists in Southern California and specifically, in Newport Harbor. He addressed the current Southern California Eelgrass Mitigation Policy as well as the Proposed California Eelgrass Mitigation Policy. He noted that both are individual-project based but that the latter allows for regional approaches, if approved. He added that at a recent meeting with the National Marine Fishery Service, representatives indicated that the Newport Beach plan would be one of the first that could qualify as one of the exceptions from an individual project; and would be a bay-wide project that the City could put into place.

Dr. Josselyn addressed conflicts with small dock dredging, efforts by the City to protect eelgrass and noted that the Newport Beach plan is consistent with Ecosystem Based Management. In addition, he presented the goals of the Eelgrass Protection and Mitigation Plan, eelgrass management thresholds, actions within each threshold tiers, eelgrass establishment methods and other best management practices. Dr. Josselyn addressed initial measures at the start of the program and the status of the plan.

Discussion followed regarding the existence of eelgrass in most coastal states within the country, effects of water temperature on eelgrass and the historical existence of eelgrass. It was noted that it only grows in salt water.

Ensuing discussion followed regarding mandating City donations by Coast Keepers.

Harbor Resources Manager Chris Miller reported that Coast Keepers is working on eelgrass mitigation in Newport Harbor and donations don't necessarily have to go to Coast Keepers, but could go to other groups.

Discussion followed regarding stable and transition zones within the harbor and it was noted that the terms were developed for the harbor, although most harbors have such zones.

It was noted that the City's plan focuses on shallow water eelgrass. Dr. Josselyn reported that the harbor should be looked at, as a whole but that the National Marine Fishery Service wanted it applied up to the pier head/bulkhead line. He added that the plan would not affect the Upper Bay and would be applicable to the Lower Bay. Coast Keepers is working on the Upper Bay.

In response to an inquiry from the Commission, Dr. Josselyn explained methods used in measure the acreage in the harbor. He noted that diver surveys are usually the most accurate and reported that other techniques are becoming readily available.

Discussion followed the number of docks that could be dredged and Mr. Miller reported that yearly acreage allowed would be enough to cover a lot of residences. Ensuing discussion followed regarding options available for homeowners for mitigating eelgrass and possible liability to the City if the eelgrass cannot be maintained.

Mr. Miller reported on surveys conducted and upcoming and noted that as the City builds up additional surveys and establishes an average it can monitor its growth and make determinations regarding the amount of dredging to be done. He added that within the first two years of a project, the City will be able to impact an acre and a half per year (three acres in the first two years). He noted that this is a proposed draft project that has been conceptually approved by the Water Board and the Corps of Engineers. There is additional work to be done in order to obtain approval through the agencies. As more agencies express their support, it will be less challenging to obtain approval from remaining agencies. He noted an upcoming meeting with the National Marine Fishery Service.

Chair West commented positively on the plan and stated that as soon as it is approved, a strategy should be developed on how to communicate and continue public outreach and education.

Interested parties were invited to address the Commission on this item.

Len Bose wondered regarding purchasing the seeders and Dr. Josselyn reported that they can be found on the National Marine Fishery Service website.

Lisa Miller commented on the pros and cons of the seeders and noted the need to meet Building Code requirements relative to the location. She agreed with placing seeders on piers and ramps, but not on flotation.

There being no others wishing to address the Commission, Chair West closed public comments for this item.

Chair West expressed his appreciation to Dr. Josselyn and the item was received and filed.

2. Regional General Permit (RGP-54) – A Recommended Approach for 2014

The Harbor Commission's Dredging Subcommittee will discuss the City's Regional General Permit and recommend an approach for Council to consider for the new permit in 2014.

Chair West introduced the item, noting that time is of the essence in moving the item forward. He reported that the Commission thoroughly discussed the recommended approach to the revised and new RGP-54.

Mr. Miller presented details of the current RGP-54 provisions compared with the proposed 2014 RGP-54 provisions including annual maximum volume, individual project volume limits, maximum dredge depth, sediment testing, eelgrass, structures, application review, shading, water quality monitoring, applicable users, disposal, State Land Commission dredging lease and fee structure.

Chair West noted the importance of understanding that this is a conceptual framework for the intended approach to the agencies in the design of the next RGP-54 and is not assured at this point.

Interested parties were invited to address the Commission. There was no response and Chair West closed public comments for this item.

Motion: Commissioner McIntosh made a motion to advise the Harbor Resources Manager to proceed with a Council recommendation for "Option 1" for the upcoming Regional General Permit which includes additional features not included in the current permit and including previous changes regarding structures meeting the California Building Code standards. The sediment testing and permitting costs would also be funded by the City. Commissioner Avery seconded the motion, which carried with 6 ayes and 1 absent (Rhyne). Approved.

3. Virgin Oceanic Mooring in Newport Harbor – Yearly Review

The Harbor Commission will conduct the annual review of the vessel Cheyenne's mooring in Newport Harbor.

Mr. Miller introduced the aforementioned item and addressed previous review by the Commission and an agreement that the Cheyenne would remain but would pay the full 2012 mooring fees. The discussion at the

time was to return with the item to review the matter. He addressed the previous as well as the current location of the Cheyenne and recommendations.

Brief discussion followed regarding the new boundary lines for the F mooring area and the D mooring field.

Chris Welsh, Cheyenne pilot, addressed the number of days the vessel has been in the water and subsequent dives as well as mechanical issues resolved. He reported on upcoming goals including diving the Puerto Rican trench. He reported agreement with the current location of the vessel and stated that most likely they will be headed for Puerto Rico within the next five-to-six months. He addressed current goals and noted there will be a lot of diving in the future.

Chair West commented on the location of the mooring.

Discussion followed regarding reviewing the matter again prior to Mr. Welsh's team departure.

Mr. Welsh reported that he will keep in communication with staff and the Commission with updates.

Discussion followed regarding extending or shortening the mooring and charging mooring fees only while the vessel is in the harbor. It was noted that this is not a permanent mooring and that Mr. Welsh owns his own tackle. The item will be reviewed annually.

Mr. Miller noted that Mr. Welsh would like to have Newport Harbor as the vessel's home base. But that updates will be presented as necessary.

Interested parties were invited to address the Commission. There was no response and Chair West closed public comments for this item.

The report was received and filed.

7) SUBCOMMITTEE REPORTS

It was reported that the Overhang Sub-committee met once, has not met recently, but will meet next month.

Commissioner Blank presented a brief report addressing the Commission objective regarding collaboration with Visit Newport Beach relative to making the City "boater-friendly". He reported that the Sub-Committee met with Gary Sherwin of Visit Newport Beach and reviewed the Commission's interest in a SWOT analysis and discussed opportunities for promoting the harbor as a great destination for visiting boaters. Commissioner Blank reported discussing specific strategies for increasing the number of visiting vessels, improving visitor experience and supporting businesses that serve visiting boaters. Discussion also occurred regarding distribution of the cruising guide, collaboration with area restaurants and other attractions and considering the destination vision of "welcome" and next steps to engage the Harbor Master and his staff to assess their role in the Newport experience. He announced an upcoming meeting with Harbor Master Tom Slayton, to initiate discussions.

Regarding improvements to public docks, Commissioner Blank reported ongoing efforts and the arrangement of a number of ride-alongs with the Harbor Patrol. He added that an update will be provided to the Commission in February.

Chair West thanked Commissioner Blank for initiating the ride-along opportunity with the Harbor Patrol.

Interested parties were invited to address the Commission.

John Corrough commented on the promotion of the harbor and sustaining the marine industry in the community. He felt there should be a mechanism for promoting the harbor other than the Chamber of Commerce.

It was noted that the Chamber will continue promoting marine industries but will minimize their focus to business development. Visit Newport is involved as well and is doing a great job.

Discussion followed regarding the willingness of Visit Newport to help with the City.

There being no others wishing to address the Commission, Chair West closed public comments for this item.

8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES

Councilmember Gardner reported that the Tidelands Management Committee will meet next Wednesday at 4:00 p.m. and addressed the issues to be discussed.

In addition, she announced that this Saturday at 11:30 a.m. at the Oasis, Council will hold its goal-setting meeting and noted that one of the issues to be discussed is whether Commissions should have Council liaisons.

9) HARBOR RESOURCES UPDATE – Receive and File

Mr. Miller presented a brief update on the City's dredging project and stated that the project should be completed by the end of the month.

Harbor Resources Supervisor Shannon Levin reported on the replacement of all five City-owned pump-outs. She reported that the project should be completed by the end of March.

Brief discussion followed regarding the location of the five pump-outs.

Mr. Miller reported that user fees will be discussed at the upcoming Tidelands Management Committee.

10) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR HARBOR RESOURCES UPDATE

Leddy Chang presented a brief update on the status of paddle boarding in the harbor and distributed copies of a draft document entitled, "Stand Up Paddle Boarding Instructional and Safety Techniques".

11) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

Members of the Commission commended the Harbor Patrol and Visit Newport for their efforts during the Christmas Boat Parade.

Chair West referenced a meeting where discussion occurred regarding offshore docking and noted that he would like adding an item on the agenda for a presentation at the Commission's February meeting. He requested that Commissioner Avery take the lead on the item, since he will not be at the February meeting and reported that Mr. Duffy will make the presentation.

12) DATE AND TIME FOR NEXT MEETING:

Wednesday, February 13, 2013

13) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 8:05 p.m.



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 1
February 13, 2013

TO: HARBOR COMMISSION

FROM: Public Works Department
Shannon Levin, Harbor Resources Supervisor
949-644-3041, shannon@newportbeachca.gov

TITLE: 2222 Channel Road, Proposed Dock Configuration

ABSTRACT:

The applicant at 2222 Channel Road proposes installation of dock system outside of the setbacks as defined by the Newport Beach Municipal Code.

RECOMMENDATION:

1. The Harbor Commission approves the proposal to install the dock system outside of the 5 foot setbacks; or
2. The Harbor Commission denies the proposal to install the dock system outside of the 5 foot setbacks.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

The applicant proposes to install a new dock system at 2222 Channel Road (Attachment A). In June 2012 Harbor Resources issued an Approval in Concept for installation of a new 8.5x20ft pier, 4x25ft gangway, 12x20 float and one 16 inch and two 12 inch piles. The California Coastal Commission issued a conditional Coastal Development Permit (CDP) in November 2012. The CDP recommended approval of the application with a Special Condition for final revised plans to avoid eelgrass impacts by modifications to the width or length of the dock float and removal of the proposed 10' x 10'8" pier platform.

In response to the CDP Special Condition to avoid impacts to eelgrass beds the latest revision proposes installation of the dock system along the prolongation of property lines on either side (Attachment B). Newport Beach Municipal Code 17.35.020(B)(1) states *all piers and slips for residential properties shall be set back a minimum of five (5) feet from the prolongation of the property line*. Setbacks are established to keep area between and to allow ingress and egress.

The applicant has been in contact with the neighboring property owner, 2226 Channel Road, and has received support for the relocation along the shared property line. The property at

2218 Channel Road is also owned by the applicant and a CDP was issued in November for removal and replacement of that dock system.

Should Harbor Commission approve this configuration the applicant will submit the revision to the Coastal Commission.


ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

A handwritten signature in black ink, appearing to read 'Shannon Levin', written over a horizontal line.

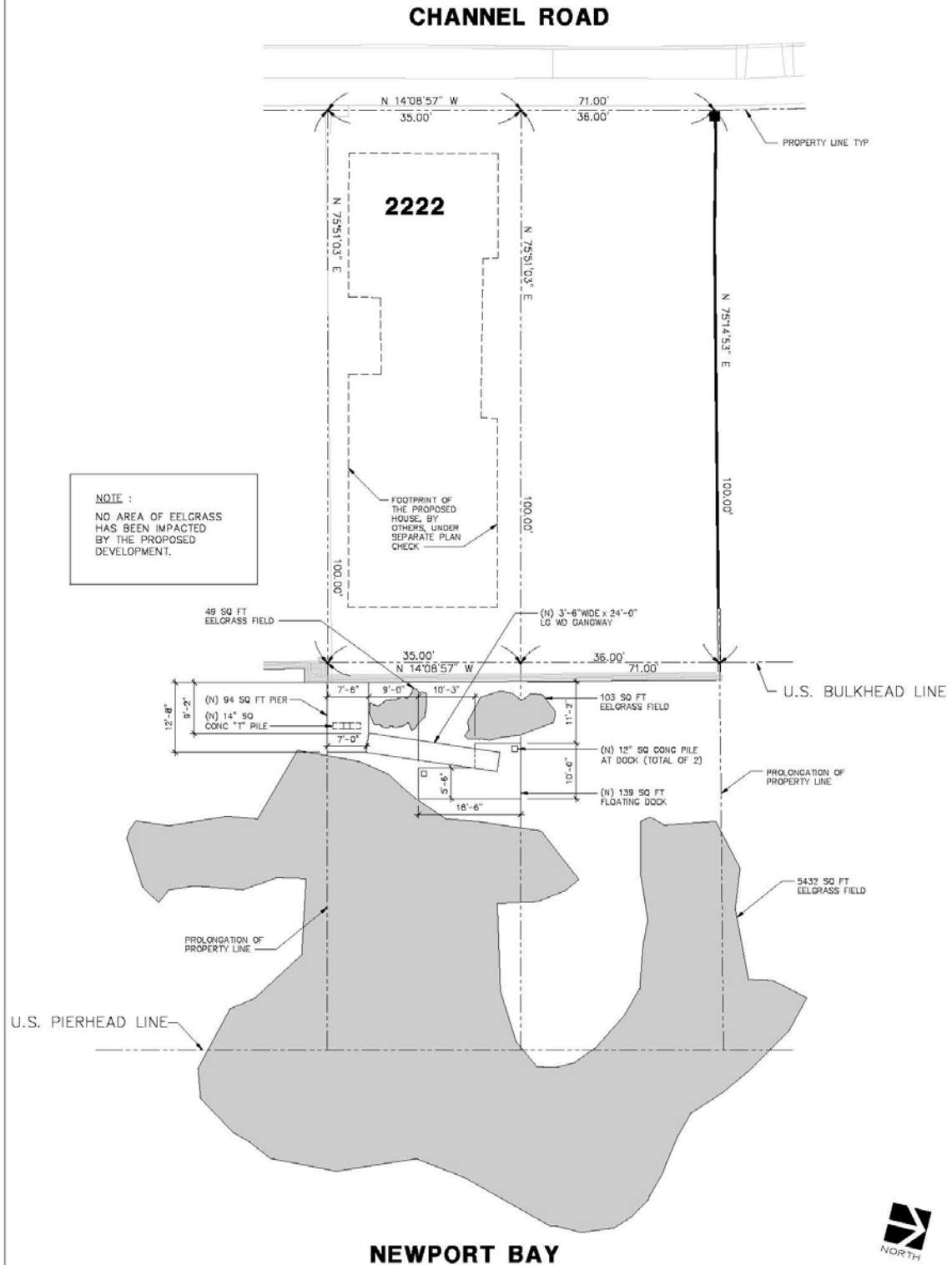
Shannon Levin

Attachment A: 2222 Channel Road Dock
Attachment B: Revised Dock System Proposal

Attachment A: 2222 Channel Road



6-22 : 05/10/13



IN) LAYOUT

N.T.S.



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 2
February 13, 2013

TO: HARBOR COMMISSION

FROM: Public Works Department
Chris Miller, Harbor Resources Manager
949-644-3043, cmiller@newportbeachca.gov

TITLE: Stand Up Paddle Boarding in Newport Harbor

ABSTRACT:

Commissioner Blank will report on his research on stand up paddle boarding in Newport Harbor.

RECOMMENDATION:

1. The Harbor Commission does not recommend additional restrictions related to stand up paddle boarding in Newport Harbor; and
2. The Harbor Commission recommends, with the help of community volunteers and professionals, conducting a public event in the near future on the subject of water and stand up paddle board safety in Newport Harbor.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

At the November 2012 Harbor Commission meeting, Commissioner Blank gave an update on stand up paddle boarding in Newport Harbor. The Commission agreed that more research was necessary, and that Commissioner Blank return in the future with a recommended path forward.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:



Chris Miller